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TAGS: KUNR PHUM PREL UNGA

SUBJECT: ELIASSON AND OTHERS CONSIDER HRC TEXT FINAL;
EFFORT CONTINUES WITH U.S. TO SALVAGE CONSENSUS

REF: A. USUN 455 AND PREVIOUS

1B. ZACK-LAGON ET AL E-MAIL OF MARCH 8

Classified By: AMBASSADOR JOHN R. BOLTON FOR
REASONS 1.4 (b) AND (d)

11. (C) Summary: We continue to encounter strong opposition to making any changes in the text of the draft Human Rights Council (HRC) resolution. Key PermReps are urging the U.S. to seek satisfaction outside the text, even if they acknowledge that core U.S. positions are not likely achievable that way. General Assembly President (PGA) Eliasson, who also opposes re-opening the text and is under pressure from others to move quickly to adopt the resolution, now argues that even a U.S. call for a vote on the HRC could lead others to unravel the project, and is hoping to get the U.S. to let the resolution be adopted by consensus. Secretary General Annan told Ambassador Bolton that the

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longer this decision is delayed, the more harm will be done. In his public remarks after his monthly lunch with the Security Council, Annan said the time has come for a decision on the HRC. Eliasson continues to prepare to adopt the HRC on March 15. End Summary.

Meeting with Eliasson

12. (C) Ambassadors Bolton and Wolff met March 10 with PGA Eliasson (following SecGen Annan's conversation with the Secretary) to assess the situation surrounding the HRC and to

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determine whether there is room for further action. Amb. Bolton said he understood Eliasson was moving to adopt his HRC resolution March 15. Eliasson said voting was not part of his plan. He had agreed to postpone adoption of the HRC March 10 when he learned the U.S. needed more time. "Neither of us wants a vote," he stated, arguing this would cause great damage to the HRC and for the UN. Eliasson said he hoped the U.S. would look again at what is at stake.

13. (C) Amb. Bolton noted that our instructions remained to open the text in order to get the amendments we required. He quoted Secretary Rice's comment in her House Appropriations Subcommittee hearings this week that without changes, we would vote "no". Our reading was that other member states oppose opening the text, except possibly the UK. Eliasson agreed, saying that others had been telling the UK PermRep to stop saying so.

14. (C) Eliasson said his strong impression is that those who oppose the HRC because they fear a strong human rights mechanism are hiding behind the U.S. "They are waiting for the U.S. to request a vote, and then they'll act." Amb. Bolton said personally he was prepared to support the U.S.

stating we were calling for a vote on the entire resolution and would not ask for amendments. We were not trying to be disruptive in this process. If Eliasson thought it helpful, we could seek instructions on this point. Eliasson welcomed this approach, saying this would avoid the worst scenario.

¶ 15. (C) Eliasson noted he had heard earlier in the day that if the U.S. asked for a vote, Cuba would table several amendments. Yemen's PermRep told Eliasson if any other government introduces an amendment, he was under instructions by the OIC (which he currently chairs at the UN) to present their amendments. Eliasson said that Saudi Arabia would also introduce amendments, and, according to the Chinese, so would Russia. He was convinced that simply requesting a vote would have this domino effect. All these delegations were waiting for the U.S. to take the heat, Eliasson concluded. Asked whether he could muster a majority to defeat these amendments, Eliasson thought he could block them all except adding the "right to development" as an operative paragraph. Nonetheless, he feared that the balance he had tried to strike in his draft could still disappear and the whole thing would unravel.

¶ 16. (C) Eliasson said that if he were in the U.S. shoes trying to address the need for a 2/3 election threshold he would look to the review clause in the text providing for an eventual 2/3 vote requirement once the HRC is upgraded to a principal organ. Amb. Bolton countered that there was no guarantee that the HRC could obtain this new status (which would necessitate a change to the Charter that requires ratification by member states, including all the P-5).

¶ 17. (C) As for the exclusion of members under SC sanctions, Eliasson said it was absurd that any democracy would vote for such a country. The reason this was not possible in the text, he continued, was because of resistance to the Security Council itself. The EU and 13-14 other states would formally state they would not vote for such a country. We already had about 40 such commitments and many more would be prepared to say this, bringing the total to 80-100. Chile was hoping to mobilize more support by working with the Community of

Democracies. Eliasson summed up that many were trying to meet the two key U.S. demands, albeit through a different method.

¶ 18. (C) Eliasson said, "not having the U.S. on board would be horrible." Still, he was under great pressure to move to a decision, with some members asking him if the U.S. also had a veto in the GA. He said that having the U.S. push for its ideas was helpful in getting others to commit not to vote for countries under sanctions for human rights matters, noting that he personally thought this would strengthen the HRC.

¶ 19. (C) Amb. Bolton undertook to report back Eliasson's point, adding that our reaction to such arguments when we reported them in the past was that the fixes we needed had to be in the text in order to work, and our instructions were unchanged. Eliasson said he shared the view that delays in adopting the HRC draft have built up resentment among many. He said Amb. Bolton's advice on this issue would be crucial. He hoped there would be no vote necessary, that the U.S. could dissociate from the consensus, and that our views could be outlined in our explanation of position. Amb. Bolton summed up that he did not want to hold out false hopes, recalling that the Secretary had stated our position. He said that if we were in any position to support the draft, we would. There would be little understanding in Congress if we dissociated to allow a consensus on this HRC. Eliasson said he hoped the U.S. would be in a position to be supportive. Amb. Bolton closed the meeting noting our willingness to continue to listen to ideas.

SecGen Annan, Security Council Members, and others

¶ 10. (C) Amb. Bolton and SecGen Annan discussed the HRC March 10 on the margins of the SecGen's monthly lunch with the

Security Council. Annan described his conversation with Secretary Rice earlier that day, and Amb. Bolton briefed on

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his meeting with Eliasson. Annan expressed concern that the longer it takes to decide on the HRC, the worse the situation becomes. Annan reiterated this point to the press after the lunch, adding, "the time has come for a decision." Amb. Bolton also raised the HRC with SC PermReps from Peru, Tanzania, Qatar, Greece and Argentina. All opposed opening the text to address U.S. concerns.

¶11. (C) In separate consultations March 10 with Amb. Wolff (before the meeting with Eliasson), UK DPR Thomson said the UK had "equipped Eliasson with everything he could be equipped with for the meeting." Asked what was the best we could expect from the Eliasson meeting, Thomson said Eliasson would say there was nothing realistically possible to fix in the text without it falling apart. The question would be what could be done to make it possible for the U.S. to dissociate from the decision without blocking consensus. While Thomson said he personally did not exclude the possibility of re-opening the review provision, "things were getting more difficult with each passing day." He said we should expect a message that people needed to know if there is anything they could do outside the text that will make a difference for the U.S.

¶12. (C) Amb. Wolff also discussed the situation March 10 with Liechtenstein PermRep Wenaweser (one of Eliasson's agents throughout this process). Asked whether there was any prospect for adjusting the text, Wenaweser said, "no, you can't". He and Eliasson were hearing from everyone that if we open the text, the HRC is dead. He said his honest assessment of Eliasson's thinking was that the text was in jeopardy and he would lose his credibility with the majority of the membership even if he introduced a technical adjustment on the review period. New Zealand PermRep Banks (also an Eliasson confidante) concurred in this assessment, adding that her government was spearheading an effort to garner commitments from member states outside the text to oppose election of countries sanctioned by the Security Council for human rights reasons.

¶13. (C) Amb. Bolton's meeting March 9 with Japanese PermRep Oshima covered similar ground. Oshima noted that Japanese DPR Ozawa had met with Ambassador Wolff on March 8 regarding HRC (Ref A) to share updated Japanese talking points (Ref B), but that Oshima had wanted to personally convey the Japanese position to Ambassador Bolton. Oshima emphasized that Japan sought to find a way to satisfy the U.S. while also ensuring both consensus agreement among Member States on a draft resolution and effective functioning of a new body. Oshima suggested that the U.S. reserve its position on the draft resolution if action were taken next week in a General Assembly plenary, and that the U.S. instead negotiate "outside the text" in the HRC Rules of Procedure and other areas that would be decided during the initial stages of a new HRC. Oshima noted concern that if the GA failed to take

action this week or next on the draft resolution, the atmosphere would be so "poisoned" that it would affect the many "pressing issues" facing Member States. Oshima reported a "pervasive feeling" of ill will against the U.S. for not supporting the draft resolution, and noted the situation was "painful" for Japan.

¶14. (C) Ambassador Bolton responded with appreciation for Oshima's sentiment but stated that the U.S. position on the inadequacy of the draft resolution had not changed. Bolton noted Eliasson had not wavered from his firm stand against re-opening the text.

¶15. (C) With respect to fixes outside of the text, Bolton argued that the text of the draft resolution would be the fundamental and unalterable basis for the functioning of the new HRC, and that anything less than changes to the text

would not assuage U.S. concerns. Bolton noted that any action by the Community of Democracies to raise confidence in the selection of HRC members could not be done until after adoption of the draft resolution (Ref A). Bolton agreed with Oshima that repeatedly delaying GA plenary action would not "create a good mood" and could potentially complicate other UN reform matters.

¶16. (C) Oshima understood that the U.S. would not support any "half measures," and moved on to inquire about U.S. participation in a newly established HRC. Bolton noted the U.S. had been working to change the text and had not yet focused on potential participation in a new body. In response to Oshima's suggestion that Bolton meet with PGA Eliasson and HRC Co-Chair South African PermRep Kumalo, Bolton stated he would meet with anyone.

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